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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/435,940 11/09/99 ROTHROCK

L 042390.P5387

EXAMINER

WM02/0703

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HARRISON, C

ART UNIT

PAPER NUMBER

2672

DATE MAILED:

07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/435,940

Applicant(s)

ROTHROCK, LEWIS V.

Examiner

Chante Harrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 01 November 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Information Disclosure Statement***

The information disclosure statement filed 2/18/00 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Steve Mann et al., U.S. Patent 5,706,416, 1/1998, 345/427.

As per independent claim 1, Mann discloses identifying where two digital images overlap at a first resolution (abstract; col. 9-10), obtaining overlap areas of the two images at a second resolution higher than the first (col. 8, ll. 7 et seq.; col. 11-12) and identifying where the areas overlap at the second resolution (col. 12, ll. 22 et seq.; col. 13, ll. 1 et seq.).

As per dependent claims 2, 10 and 18, Mann discloses retrieving the overlapping areas from the images at the second resolution (col. 12, ll. 35 et seq.; col. 14, ll. 55 et seq.).

As per dependent claims 3, 11, 19 and 26, Mann discloses storing the images at the first resolution to identify the overlap (col. 14, ll. 55 et seq.) and purging memory of the

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images before obtaining the overlapping areas and storing the overlapping areas in memory (col. 12, ll. 35 et seq.).

As per dependent claims 4, 12 and 20, Mann discloses using an edge detection technique to identify where the images overlap (col. 9, ll. 40 et seq.).

As per dependent claims 5, 13 and 21, Mann discloses identifying the coordinates where the images overlap (col. 7) and identifying overlapping areas based on coordinates (col. 8, ll. 7 et seq.).

As per dependent claims 6, 14, 22 and 27, Mann discloses combining the digital images (FIG. 1 '140'; col. 8, ll. 11-20).

As per dependent claims 7, 15 and 23, Mann discloses identifying where the images overlap at resolution levels higher than the second level (FIG. 1 '150'; col. 8, ll. 7-35, 45 et seq.).

As per dependent claims 8, 16 and 24, Mann discloses identifying where another set of images overlap at the first resolution (col. 8, ll. 30 et seq.), obtaining the overlapping areas of the other set at the second resolution (col. 8, ll. 30 et seq.), identifying where the areas overlap at the second resolution and combining the images (col. 8, ll. 7 et seq.)

As per independent claim 9, Mann discloses a medium (FIG. 2; col. 14, ll. 19 et seq.) for implementing the method of claim 1. Therefore the rejection as applied to independent claim 1 is included herein.

As per independent claim 17, Mann discloses a system (FIG. 2) having processors (FIG. 2 '220') for implementing the method of claim 1. Therefore the rejection as applied to independent claim 1 is included herein.

As per independent claim 25, Mann discloses a system (FIG. 2) for implementing the method of claim 1. Therefore the rejection as applied to independent claim 1 is included herein.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 703-305-3937. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6606 for regular communications and 703-305-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ceh  
June 28, 2001



**MATTHEW LUU**  
**PRIMARY EXAMINER**